

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 13-834(DSD/FLN)

Kenneth Lindsay and Jesse Owens individually and on behalf of other similarly situated individuals,

Plaintiffs,

v.

**ORDER**

Clear Wireless LLC and Workforce Logic LLC, d/b/a Workforce Logic, a Zero Chaos Company, APC Workforce Solutions, LLC, d/b/a Zero Chaos, Gary D. Nelson and Associates, Inc., ABE Services d/b/a Workforce Logic, and Clearwire Corporation,

Defendants.

This matter is before the court on the objection by plaintiffs Kenneth Lindsay and Jesse Owens to Magistrate Judge Franklin L. Noel's November 3, 2015, order granting in part and denying in part the motions to compel by defendants APC Workforce Solutions LLC and Workforce Logic LLC and defendants ABE Services and Gary D. Nelson and Associates. Specifically, the magistrate judge ordered plaintiffs to produce opt-in plaintiffs' tax returns and corresponding W-2s for the years 2010, 2011, and 2012, or signed IRS tax release forms within fourteen days of the date of the order. Plaintiffs object to the order, arguing that (1) the discovery requests at issue were untimely, (2) defendants did not specifically reference allegedly deficient discovery responses in their motion, and (3) plaintiffs have already produced responsive

documents in their possession.

The district court will modify or set aside a magistrate judge's order on a nondispositive issue only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); D. Minn. L.R. 72.2(a). This is an "extremely deferential" standard. Reko v. Creative Promotions, Inc., 70 F. Supp. 2d 1005, 1007 (D. Minn. 1999). "A finding is clearly erroneous when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." Chakales v. Comm'r of Internal Revenue, 79 F.3d 726, 728 (8th Cir. 1995) (citations and internal quotation marks omitted). "A decision is contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure." Knutson v. Blue Cross & Blue Shield of Minn., 254 F.R.D. 553, 556 (D. Minn. 2008) (citations and internal quotation marks omitted).

Plaintiffs have failed to establish that the order is clearly erroneous or contrary to law. The court has reviewed the record and is satisfied that the requests at issue were timely and that defendants adequately identified the discovery deficiencies in their motion papers and prior correspondence with plaintiffs. The court is also satisfied that plaintiffs have failed to produce all requested documents within their possession, custody, or control. As a result, the objection is overruled and plaintiffs must comply

with the order.

**CONCLUSION**

Accordingly, based on the above, **IT IS HEREBY ORDERED** that plaintiffs' objection [ECF No. 439] to the magistrate judge's order is overruled.

Dated: November 24, 2015

s/David S. Doty  
David S. Doty, Judge  
United States District Court